

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

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QUEENSLAND ADULT BUSINESS ASSOCIATION



**Submission to Housing, Big Build and
Manufacturing Committee**

**Criminal Code (Decriminalising Sex Work)
and other Legislation Bill 2024**

March 2024

Preface

Queensland Adult Business Association, QABA, would like to acknowledge all government departments and the current committee for the great work undertaken to create the current Bill and the Inquiry that is in process.

As the industry voice of the current licensed sector, QABA welcomes the invitation to provide a submission on this Bill. In doing so, we wish to draw attention to our previous submissions, in which many of the following concerns were raised in great detail. As such we feel it imperative, and based on questions raised in the first Public Briefing, that a voice for the commercial sector be available for following hearings to provide accurate information. QABA is the only association that can speak on behalf of the commercial sex work industry and we strongly urge such an invitation being brought forward.

In these opening remarks, QABA would like to clarify for the committee how a monetary transaction takes place in the commercial sector. Please be aware that sex workers are not staff or subcontractors. The Deed of Licence between a licensee and a sex worker is an agreement that allows sole traders to work from these premises. Clients pay the establishment for room rental only. Clients pay the sex workers for their services. Commercial sex work venues at no stage take money for sex work services. This is paid directly to the sex worker by the client. We are happy to clarify further details if called upon.

Commercial sex work venues are businesses that have endured within the diverse sex industry. Commercial sex work venues support over one hundred staff and a thousand sex workers. Taking a snap shot of only three licensed venues, Platinum175, Pentagon Grand and The Viper Room, last financial year, they achieved over 50,000 client bookings. Regulations, safety and administration are some the of the many contributing factors as to why sex workers and clients, more often than not choose to work from commercial sex work venues.

This submission is guided by the objectives of the Bill in alignment with the QLRC 'A decriminalised sex-work industry for Queensland, Report Volume 1' April 2023 and the recommended framework and key principles within, the DJAG 'Criminal Code and Other Legislation (Decriminalising Sex Work) Amendment Bill 2023' and all accompanying documentation.

With the legislative changes, licensed brothels are being forced down Alice's rabbit hole and have no idea where they will find themselves on the other side. The Queensland government is making drastic changes to the sex work industry and there is no regard for the monetary impact these changes will have on existing venues.

Our response reflects our ongoing concerns for the lack of understanding of this industry, specifically the commercial sector. No matter how you change it, sex work is and always will be a high-risk industry and it is not like any other business. The choices made by the Government will impact the futures of the many sex workers, commercial sex work businesses, their staff, clientele and health and safety of the wider community. Unfortunately, with the information provided thus far, QABA has uncertainty and is concerned for the future of commercial sex work venues.

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Opening remarks

We are now one step closer to the implementation of the decriminalised landscape and the representatives from the Department of Justice and Attorney-General or the Department of Housing, Local Government, Planning and Public Works can provide the current licensed sector further clarification on how the commercial sex work venues space will operate moving forward. It has left us with more questions than answers and has shown little understanding of the industries complexities. Simple questions tabled to the witnesses present at the Public Briefing (February 2023) such as, *“How does the system currently work in terms of licensing? How do those establishments work? Can an owner of the establishment employ people or is it very much private commission work?”* We applaud Mr TJ Smith MP for seeking clarification as to date, it appears no one has considered QABA and the current business owners as viable sources of information.

Before offering our detailed response to the Bill and its explanatory notes, it is pertinent to draw attention to much of what is not tabled. It is understood that particular items will be tabled during the temporary working group or at later public hearings. Without this documentation the Bill is devoid of any **safety or structure** for the sex work industry to move forward with.

Again, we draw attention to the lack of information available regarding compensation. This is not referring solely to fee relief but genuine compensation. Our businesses continue to pay their way through costly licensing fees, locked into locations with long term leases and an unclear understanding of their fiscal futures. The QLRC recommended that, *“The Queensland Government should consider a compensatory mechanism”*. Not only are we losing a highly regulated industry with a governing body but we are being offered no compensation. Currently licensed venues will be severely impacted by these changes. As these changes are out of our control and led by the government, QABA requires the Queensland Government to provide fiscal compensation to each business.

Commercial sex work venues are locked into their current locations for a variety of reasons. These reasons being either ownership of current premises or longstanding leases, with terms of up to ten years. These business decisions were made based on the requirements of the current system and cannot be left without incurring hefty penalties. Consideration must be

given to the extensive costs put into current fit outs that cannot just be transferred to a new site. When the new system arrives, with no visible timelines, the current commercial venues are left at a disadvantage. They are situated in industrial areas and cannot easily move and the newcomers and illegal venues are able to set up in prime locations which increase their likelihood of profitability. Again, leaving long standing business facing potential financial heartache. As per our previous submission, compensation needs to be offered both at the time decriminalisation is enacted and then at intervals after where businesses can precisely explain the financial implications the changes have had on each business. The Queensland Government may also need to offer the opportunity to buy out businesses that cannot viably continue in the future model due to previously imposed restrictions. We cannot be punished for choosing to enter into this industry now that the Government wishes to change the goal posts.

Furthermore, consultation with the Prostitution Licensing Authority, PLA, it has come to light that under special circumstances the Government can make changes to allow for fee relief and refunds. At present, when the PLA is removed there is no legislation requiring unused annual fees to be refunded to licensees or approved managers. The Government must make timely changes to the appropriate acts to ensure these funds are returned. Furthermore, there was a suggestion that fee relief be offered. To date, annual fees have not been reduced or has the idea of fee reduction been communicated to licensees or approved managers.

Of major significance is the lack of regulation moving forward. Presently, in Queensland, there are many regulated industries including that of property, security, motor, tattoos, personal services and more. Why then is it that staff members working within the Adult Entertainment industry and or the owner of a Dating Agencies require a license but the proposed model for the sex work industry has nothing? At present every aspect of the commercial sex work industry is highly regulated, which offers support and safety for clients, sex workers, staff and owners. The suggested way forward comes with, and I quote, "Like any other business, you have to be active in planning and proactive in how you deal with any threats..." however we cannot say this strongly and frequently enough.... Sex work is not like any other business and should not be treated as such.

There have been several references to 'transitional periods' during this process. No clarity of what will be implemented or repealed during the aforementioned 'transitional periods' and

whether or not it will offer timeframes for businesses to prepare for the 'coming changes'. When will such timelines become apparent as QABA and its members have grave concerns that this will be too little too late?

The Bill is also void of a Code of Practice or the requirement for one to be created under any current Act. To be blunt, **guidelines are not enough**. The sex work industry must have a Code of Practice like industries such as construction, food services and accommodation. The Chair Mr CG Whiting MP stated, "We can write to the Department of Health and ask how this intersects with the work they do. As I said, it becomes a workplace health and safety issue." This confirms a lack of understanding of how the sex work industry operates. We cannot say this strongly and frequently enough.... Sex work is not like any other business. You simply cannot walk into a service being conducted by a sex worker to carry out a compliance check. With the repeal and omission of many of the current laws, health and safety within this industry is compromised. It seems that the Queensland Government believes that all operators and clients will comply innately and act in the best interests of safety. The Work Health and Safety Act 2011 will give broad guidance on the industry but like in other states, the sex work industry requires a Code of Practice, at a minimum. The Australian Capital Territory Code of Practice offers a great model. It is detailed, clear and easily utilised. Presently, the Queensland Operation Standards Manual also ensures fairness across commercial sex work venues. A similar style document can be used. The Operation Standards Manual ensures fairness and safety but could be further utilised as the basis for an education tool.

We agree, the current guidelines regarding advertising for prostitution are outdated. QABA strongly advocates for changes to the advertising regulations but again this is an item that would need to be addressed at a state level to ensure a level playing field. Local councils have varying rules regarding advertising, often impacted by zoning. Many advertising platforms have their own regulations regarding nudity and sexual activity. Clear and wide covering documentation will need to be provided to cover the diversity of businesses, types of advertising, visuals, wording and alike. All akin to level of understanding provided by the current regulations and the PLA. The complexities of social media and overseas laws that do not align with our regulations will need to be addressed concisely. Again, this is a body of work that would be best suited to a state level regulatory body as advertising can occur in various

mediums with wide reaching audiences. Businesses will want to reach the widest audiences to ensure viability.

The right to sexual autonomy is a key part of the licensed sector. The right to refuse for all sex workers is of paramount importance. The Bill at present does not cover sexual autonomy and the right to refuse. It only addresses coercion which does not go far enough. The current Brothel License conditions ensure this safety measure, and is enforceable through penalties for breaches. What is the government willing to do to ensure the ongoing safety of all sex workers in terms of these rights? In the new system, what rights to sex workers have to refuse an introduction or refuse to offer a service?

In summary, QABA is apprehensive towards the future of the sex work industry and in particular the commercial sex work space. We firmly believe that our concerns must be considered and addressed as a matter of urgency. At present the government seems to be supporting an open slather approach leaving the vulnerable people that choose this line of work in the firing line. There are no safeguards or protection. No regulatory body to report to and a police force ill prepared to assist. It cannot be assumed that innately everyone will make safe and fair choices. This head in the sand approach will put lives and businesses in jeopardy. We offer an apt analogy; people continue to speed. Now let's remove all speeding zones and have no one to police road safety. There is no clear way forward.

Detailed Response

The following responses are directly linked to information presented in the Criminal Code (Decriminalised Sex Work) and Other Legislation Amendment Bill 2024 and the accompanying Explanatory Notes.

Repealing sex work specific offenses

Safety in this high-risk industry is of great concern. With a total repeal of all sex work offenses this reopens avenues to allow public solicitation and therefore street-based sex work. Historically, there is much documentation regarding street-based sex work. As Mr R Stevens MP recalled events of the 1980's to the Gold Coast Bulletin (4 Sept 2023), where residents were harassed by clients with incorrect addresses and "rude romps on lawns which fronted the canals". Add to these historical issues, social media and new technologies around spyware and alike. Public solicitation is going to become a prevalent issue that works against changing the stigma held against sex work. Sex workers who have been in the industry and have seen the industry pre and post The Prostitution Act (1999) have openly shared their concerns for how quickly this will become a public issue and how dangerous this will become. The right to refuse or exit a situation that is getting out of hand is impossible in these circumstances. Sex workers being raped and assaulted will result from this. QABA still holds the question previously asked in our November 2023 submission, how does public solicitation fit into the business model proposed by DJAG to Local Councils? It is neither a home-based business or sex work venue. Do all sex workers engaging in public solicitation have to have a home base business first?

Adding to these complexities is the opportunity for escorting services. This has been tightly locked down under the current legislation but will open up avenues for interstate and off shore businesses to open up in Queensland by a click of a button. There are no requirements for office space/s or staffing to have local office space/s. To be honest, there has been no thought put into this avenue where businesses, who may be overseas, are sending sex workers to unknown locations and unknown people. No security, no help, just make your own way. Where does the responsibility lie when sex workers are assaulted, held against their will to perform acts they do not wish to do?

Both public solicitation and escorting are forms of sex work that require state level regulation to ensure safety and fairness. We wish to raise our ongoing concerns that at this time, there is no clarity around any of these areas. As stated by Mr Watts, “There is a planning regulation to follow which is, as we understand it, still being developed...” but for the current businesses doing the right thing and are investing hundreds of thousands of dollars, that is not good enough.

Current Licensing System

Much feedback was offered by QABA in response to the QLRC Recommendation in October 2023. Data collected by QABA indicated that not only our members but sex workers too did not want to see a total repeal of the licensing system.

As previously mentioned, there are many regulated industries in Queensland. Many of these require applications to the Industry Licensing Unit with the Office of Fair Trading. Licencing and certificates require criminal history checks, finger and palm prints, proof of identity... along with further applications such as higher risk personal appearance service licences and compliance with inspectors. Begging the questions, why is the sex industry being left unvetted, unregulated and a free for all? Sex work is not like any other industry and as such needs to be held to a higher standard. The people involved need to be meet a threshold to ensure safety, for the ongoing reputation of the industry and to reduce stigma. The Queensland Government has acknowledged their concern for inappropriate peoples within the sex industry. Currently, the PLA takes applications, checks each persons’ background and affiliations of family members. Add to this the QLRC recommendation 31 that refers to the need to have serious organised crime deterred by links to the Penalties and Sentencing Act. With a lack of understanding of how line of sight will occur how do we ensure that we do not step backwards to situations where organised crime were the biggest beneficiaries of the sex work industry?

The current licensing system ensured compliance through the issuing and auditing of ‘Brothel License Conditions’. Annual audits with spontaneous audits ensured a level playing field. Brothel License Conditions provide a variety of reassurances for businesses, sex workers and

staff. The twenty-one subsections cover a wide variety of topics. One such area is the requirements for Electronic Surveillance. The BLC's state;

BLC 14.1

The licensee must provide sufficient electronic surveillance of the brothel for the safety and security of sex workers, staff and clients. This includes, but is not limited to:

(a) external areas of the brothel allowing parties to be viewed entering and leaving the brothel;

(b) all car parking areas; and

(c) internal areas, particularly where clients have or may gain access.

Presently, surveillance provides the ability to see all the public goings on and movements in a building that at times can have five working rooms with busy with bookings, four or more client introduction rooms with multiple clients awaiting bookings, payments being processed and people moving through hallways, entries and exits. Good business practice dictates that you do this but electronic surveillance should be more than good practise, it should be legislated. The need for police and other bodies to pull CCTV to complete investigations requires the use of CCTV. Electronic Surveillance should be covered in a Code of Practice. Along with duress alarms, sexual health lamps, laundry and many other areas that the current Brothel License Conditions cover. QABA encourages the committee to gain an understanding of what protections are afforded to current venues through the licensing system and the Brothel License Conditions (see appendix one).

Sex work specific health offences

The reduction of public stigma was a major component of the QLRC Recommendations. A relaxation or repealing of laws pertaining to sexual health and the processes currently in place will rapidly vilify sex workers. The reputation of a commercial sex work venue and workers could easily be destroyed by sex workers offering services unsafely let alone if they do so when they have an STI. The current laws are what make legal brothels appealing to clients. Clients come to these locations because all services are safe and mitigate risk. We have to focus on the clients because without them we have no industry.

The removal of regulations under section 77A of The Prostitution Act (1999) regarding providing sexual intercourse or oral sex without the use of prophylactic is unsafe for sex workers, clients, businesses and all communities. The belief that this will have no impact on

the spread of sexually transmitted infections is uneducated and irresponsible. Commonly, sex workers are pressured to provide unprotected services and have the legal right to state, "It is illegal to do so." This empowers sex workers, staff and business owners. Sex workers in licensed brothels have resoundingly told us that the current law ensures that they can tell clients no to 'natural services' with confidence. One such sex worker, who works across Australia, has recently stated that, "In Melbourne at present there is a divide between those workers that insist on PPE and those that do not and it is creating wars in back rooms in brothels." As attested through all released documentation, sex work can be chosen by those who are vulnerable. The removal of safe guard laws, such as prophylactics, may mean that in order to get a booking they must work unsafely and jeopardise their health and future livelihood. As stated, this already happens interstate and this must not be allowed to occur in Queensland.

The repeals taking place are also removing the need for client sexual health checks. At the start of all bookings, clients are required to undergo a visual check of their genitals for signs of infections, broken skin or other concerns. This procedure allows the sex worker to ensure their sexual health is not being compromised. Sex workers are not medical professionals but this process allows them the control to continue to the booking offering alternative services or cancel a booking if they have concerns. Another legal right being removed that ensures the safety of sex workers, clients and the community.

Further to this is the requirement for sex workers to have a current sexual health check certificate of attendance. This certificate of attendance ensures that at 3-month intervals or less a sex worker has been screened for sexually transmissible infections. There are times that sex workers were unaware of issues that were only found during these appointments. The fact that these certificates will not longer be a legal requirement leaves businesses in a difficult situation. Businesses will need to decide what level of risk sex workers without these certificates pose to their businesses. Certificates of attendance are another safe guard that if repealed under the current needs to be placed in a code of practice.

#decrimQLD are in support of 'education' however, unless you have adequate and up to date medical training you are not able to provide the necessary education. There is much misinformation in the industry amongst sex workers. Stating that education and voluntary

testing will be adequate does not align with health and safety provisions for a business. Many sex workers would be less likely to seek medical assistance and have voluntary checks if they are not legally required. Why would the Queensland Government want to open the flood gates for unsafe practices to occur and have drastic effects on our already stretched healthcare system?

The hope that WorkSafe will encompass these areas like all other businesses shows a lack of knowledge. With the removal of 89(1) of the Prostitution Act (1999) means there are no regulations regarding safe guarding clients against sexually transmissible diseases. With this repeal businesses would be forced to create policies that showed no discrimination against those workers who have an STD. Mitigating that risk is impossible when you cannot monitor the events taking place in the bookings, the exposure to clients, other sex workers and beyond is exponential. Case management for each individual sex worker would become more than many businesses could facilitate. Without a Sex Industry Code of Practice, there are no reassurances to business operators or clients.

Powers to make local laws

QABA appreciates the ideal that, *'no local laws be made that prohibits or regulates sex work'*. That a state level of oversight is created offers a fair approach. But in that, at present no one can offer any clarification as to how this will work and the ramifications for those legal and illegal operators already in place. When asked at the Public Briefing, nothing could be explained and no timelines offered.

Local councils have no guidance or benchmarks to work off. They are not ready or aware of the needs to regulate sex work. Current budgets and staffing models were not created to support the roll out of this legislation. As present, complaints in many local councils can go ignored for extended periods of time. This is not reasonable when it comes to the sex work industry. Prompt responses with immediate action will be required. Why then is the government not considering a new state regulatory body? This does not mean keeping or adapting the current PLA but learning from the current system and creating a new body to work alongside this high-risk industry and to support Local Council.

With regards to planning, Local Councils based on their geographical location and population have varying names and definitions for zoning. Very rarely do councils have shared terminology or definitions. Presently, commercial sex work venues can operate up to 24 hours a day, many trading every day of the year including Christmas Day. Do planning changes impact this? Even home-base businesses have different rules across different local councils. This in itself is a minefield. Zoning and locations need to be discussed as a matter of urgency. The general public are not all progressive thinkers and the industry needs to remain discrete for that of the client, sex workers and all communities. QABA has previously voiced that sex work venues and home-based services should have restrictions on proximity to particular locations such as education facilities, religious buildings and alike to ensure a harmonious relationship with the wider community.

Criminal Code repeals and additions including coercion and exploitation

The Bill offers clarity and specificity pertaining to coercion and exploitation. Further to this, QABA applauds the inclusion of the phrase 'vulnerable' when addressing coercion. Sex trafficking is a worldwide issue and these legislative changes offer support through the tough stance on offenders.

Legislated review requirement

QABA wishes to voice the same concerns for the offered review timeframe as Mr JJ McDonald MP. With such drastic changes, a four-to-five-year timeframe cannot be acceptable. When QLRC recommendations 35 to 37 regarding the details of how a review should be carried out were given, QABA strongly insisted that the review be conducted at a two-year mark as there may be irreversible implications if left unattended for five years. We stated that a review would need actual data to review, which to date has never been addressed. Much data presented regarding the commercial sector of the sex industry has not been accurate. QABA is happy to facilitate the collection of accurate data through the documentation our current businesses collect.

Summary

QABA is grateful for the questions posed by the Committee, February 2024, but at the same time, are appalled by the lack of information provided in the responses provided. We question how a group of people with no apparent education or experience of the complexities of an industry are best placed to create legislation? As such, QABA would like to extend an open invitation to the committee members to conduct onsite visits to gain a real world understanding of the industry, specifically the commercial sector as it stands. We reiterate that passing this Bill without consideration and the heeding of QABA's years of combined knowledge and industry experience would be an injustice.

Further commentary

Below is an area of concern raised by QABA members but are not specific to the objectives.

In a decriminalised state, QABA wishes to question why owners, staff and other associated people are still needing to be listed as 'having an interest in sex work' within the legislation? Then further to this, that anyone who is listed as 'having an interest in sex work' are not allowed to hold a liquor license? QABA wholeheartedly understands why a liquor license cannot to be issued at the address of a sex work venue but why are owners, staff and associates of these people being discriminated against? This legislation dictates that any of the aforementioned people cannot consider owning or investing in a venue that could need them to hold a liquor license. How is that fair? This then has implications for those wishing to invest in the industry in the future. Investors that may already have a diverse business portfolio will not be able to invests in sex work venues. To add the complexities, QABA wishes to understand why a 'sole trader' that being a sex worker, is exempt from the list of people who 'have an interest in sex work'? The long and short of it is that it is not fair. QABA insists on these aspects of the legislation be rewritten in light of the blatant discrimination.

Appendix One

BROTHEL LICENCE CONDITIONS

V15

Section 21 Prostitution Act 1999

Attachment A

A MESSAGE FROM THE CHAIRPERSON ABOUT YOUR BROTHEL LICENCE CONDITIONS

Dear Licensee

The Prostitution Licensing Authority (“PLA”) grants a licence to operate a brothel pursuant to ss. 18 and 19 of the *Prostitution Act 1999* (the “Act”) and the *Prostitution Regulation 2014* (the “Regulation”) to which all licences and licensees are subject.

The licence is further subject to “conditions or restrictions” set out under the Act or Regulation, together with any other “conditions or restrictions” imposed by the PLA (ss.19 and 21 of the Act).

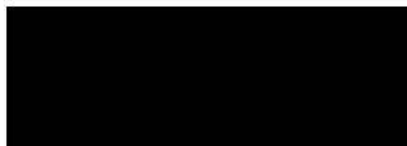
Your brothel licence is therefore granted subject at all times to your compliance with the Act and/or Regulation and/or conditions or restrictions imposed and a breach of the Act and/or Regulation shall also be deemed a breach of your licence which may result in your being the subject of disciplinary action under the Act, independent of any other action taken against you at law.

The PLA encourages you to familiarise yourself with the Act and Regulation which can be found at www.legislation.qld.gov.au and it is your responsibility to do so.

Chapter 22A of the *Criminal Code Act 1899* (“Criminal Code”) deals with the subject of prostitution at law.

The PLA has published an *Operational Standards Manual*, which is available on our website at <https://www.pla.qld.gov.au/about-pla/resources>.

The PLA draws your attention to the following which are deemed by the PLA to be conditions of your licence. The conditions must be read in conjunction with the attached definitions.



The Hon. Colin Forrest SC

CHAIRPERSON

BROTHEL LICENCE CONDITIONS

Section 21 *Prostitution Act 1999*

Brothel Licence number { } is subject to the following Brothel Licence Conditions.

COMPLIANCE WITH ACT AND REGULATION

- 1.1 The *Prostitution Act 1999* (the Act) and the *Prostitution Regulation 2014* (the Regulation) must at all times be complied with. A breach of the Act and/or Regulation is deemed a breach of your licence.

ACCESS AND RECORDS

- 2.1 The licensee must:
- (a) allow a member of staff of the Prostitution Licensing Authority (PLA) to enter, inspect, and search the brothel premises, or any part therein, at any time the brothel is open for business, whether the licensee is on the premises or not;
 - (b) allow a member of staff of the PLA to speak privately with any person within the brothel premises, without impediment to or obstruction of the staff member, and if requested by the staff member, in the absence of the licensee or approved manager; and
 - (c) not obstruct, hinder, impede, attempt to conceal any person or thing, or otherwise prevent or inhibit a member of staff of the PLA, in the course of that staff member's duties, from speaking to or attempting to speak to, any person within the brothel premises.
- 2.2 Allow any member of staff of the PLA to inspect, examine, take extracts from, make copies of, or take possession, of any report, document or thing, which may relate to the operations of the brothel.

PROOF OF AGE OF SEX WORKERS

- 3.1 All sex workers must be aged 18 years or over and the licensee or an approved manager must sight the original of an acceptable form of identification as proof of this.
- 3.2 Each sex worker record must include the:
- (a) name of the sex worker (working name is sufficient);
 - (b) type of acceptable form of identification sighted;
 - (c) date of birth of the sex worker; and
 - (d) name and signature of the licensee or approved manager who sighted the identification.

SEXUAL HEALTH

- 4.1 The licensee must take all reasonable steps to ensure that personal protective equipment (PPE) is used for sexual intercourse, oral sex and 'hand relief'.
- 4.2 Sex workers and staff must be made aware by the licensee or approved manager at induction, that PPE must be used for sexual intercourse, oral sex and 'hand relief'.
- 4.3 A sex worker who provides prostitution of any description, including sexual intercourse or oral sex, must be provided with PPE. All PPE must be stored in accordance with the manufacturer's specifications.
- 4.4 The licensee or an approved manager must obtain proof, in the form of a current document of medical examination from a clinician (e.g., sexual health check certificate of attendance), that a sex worker had been medically examined or tested to ascertain if the worker was infective with a sexually transmissible infection (STI). The document of medical examination must establish that the examination or test was about sexual health status.

Note: Pathology results or screen shots of sexual health certificates of attendance are not accepted as proof of medical examination or sexual health certificate.

- 4.5 The licensee or an approved manager must sight the original document of medical examination and retain, for a period of one year, a copy of the original document endorsed with the date, name and signature of the person who sighted the original. Demonstration that this condition is met includes:
 - (a) keeping relevant records to comply with condition 4.4;
 - (b) the application of procedures to assess documentation against standards;
 - (c) systems to manage records and retrieval of documentation; and
 - (d) recording sex worker name changes and the date of the name change so that the name accords with the sign-in register.

SEX WORKER AUTONOMY

- 5.1 Sex workers must not, either expressly or impliedly, be:
 - (a) coerced, directed, bullied, threatened or unfairly penalised by whatever means; or
 - (b) compelled to provide an introduction, to see a client, or to provide a particular service.

INDUCTION OF SEX WORKERS AND INFORMATION TO BE PROVIDED

- 6.1 Sex workers must be given an induction by the licensee or an approved manager, prior to commencing work at the brothel. A record of all induction information given to each sex worker must be kept, including the date of the induction, and the name and signature of the person who provided the induction.
- 6.2 The induction must include detailed information about:
 - (a) sexual health;

- (b) dealing with difficult or violent clients or situations;
- (c) condition 5.1 (sex worker autonomy);
- (d) fire safety; and
- (e) security procedures.

APPROVED MANAGERS

- 7.1 The licensee must give approved managers an induction prior to commencing work at the brothel. A record of all induction information given to each approved manager must be kept, including the date of the induction, and the name and signature of the person who provided the induction.
- 7.2 The induction must include information about:
 - (a) brothel procedures to comply with the Act, Regulation and the brothel licence conditions; and
 - (b) condition 5.1 (sex worker autonomy), including that approved managers must comply with the condition at all times.
- 7.3 The licensee must advise approved managers that in the absence of the licensee the approved manager supervising the brothel has responsibility to meet the brothel licence conditions. All approved managers must be given a copy of the brothel licence conditions at the time of induction.
- 7.4 The licensee must ensure that an approved manager holds a current approved manager's certificate in respect of that brothel.
- 7.5 The licensee must notify the PLA in writing, within 10 days of any changes to the employment of approved managers at the brothel. For example, approved managers commencing or ceasing employment.

FAIR WORK

- 8.1 Ensure workplace arrangements for:
 - (a) sex workers are negotiated in good faith between the licensee and sex worker, and agreed to in writing, with a copy provided to the sex worker prior to commencement at the brothel.

SEX WORKER SIGNAGE

- 9.1 SIGN A Sex worker rights (as provided by the PLA) must be displayed in a conspicuous location of the sex worker area of the brothel.
- 9.2 SIGN B Sexual servitude/slavery (as provided by the PLA) must be displayed in a conspicuous location in both the sex worker area and the reception area of the brothel.

GENERAL, FINANCIAL AND OPERATING INFORMATION TO PLA

10.1 The licensee must:

- (a) upon request by the PLA, or a member of staff of the PLA, provide such information as requested, as soon as possible, but in any event within 14 days of the request. If the request specifies the form in which the information is to be given, the information must be given in the specified form.

RECORDS OF ENTRIES TO THE BROTHEL

11.1 A record must be kept of all police entries to the brothel. The record must include:

- (a) date and time of the entry;
- (b) the name of the licensee or approved manager at the brothel at the time of the entry;
- (c) the name, rank and station of each police officer who entered the brothel;
- (d) purpose of the entry;
- (e) if possession of a thing was taken during the entry – a description of the thing; and
- (f) if a police officer authorised the entry – the name and rank of the police officer.

11.2 A record must be kept of all entries to the brothel by Australian, State and Local Government officers on official business other than the police (e.g. a member of staff of the PLA, Queensland Health, Workplace Health and Safety Queensland, Queensland Fire and Emergency Services, Australian Border Force, Brisbane City Council). The record must include:

- (a) date and time of the entry;
- (b) the name of the licensee or approved manager at the brothel at the time of the entry;
- (c) the name of the government agency;
- (d) the name and official position of each person who entered the brothel;
- (e) purpose of the entry; and
- (f) if possession of a thing was taken during the entry – a description of the thing.

FACILITIES IN BROTHEL PREMISES

12.1 Sex workers must be provided with showers, toilets and change facilities at the brothel that are separate from those available for use by clients.

12.2 Each room at the brothel, as well as the staff bathroom facilities, must have a non-reusable sharps container that complies with AS4031.

ROOMS USED FOR PROSTITUTION AT BROTHEL PREMISES

13.1 The number of rooms available for prostitution must not exceed the number of rooms permitted as it appears on the current licence. Additional rooms must be decommissioned.

ELECTRONIC SURVEILLANCE

- 14.1 The licensee must provide sufficient electronic surveillance of the brothel for the safety and security of sex workers, staff and clients. This includes, but is not limited to:
- (a) external areas of the brothel allowing parties to be viewed entering and leaving the brothel;
 - (b) all car parking areas; and
 - (c) internal areas, particularly where clients have or may gain access.
- 14.2 Rooms used for prostitution, showers, toilets, bathrooms and change facilities, or other areas approved by the PLA to require privacy, must not be subject to electronic surveillance.
- 14.3 Electronic surveillance footage must be recorded and stored on-site for a minimum of 28 days.
- 14.4 As soon as reasonably practicable, and if possible, immediately, on request of a member of staff of the PLA or of an officer of the QPS, it must be permitted that electronic surveillance footage be:
- (a) viewed by that person; and/or
 - (b) downloaded to a portable medium (e.g., USB, external hard drive) and given to that person.
- 14.5 Multiple staff must have the personal capacity and be available to comply with condition 14.4.

MANAGEMENT OF CLINICAL WASTE

- 15.1 The licensee must ensure the proper management of brothel clinical waste, including:
- (a) used PPE and other disposable items that have come into contact with bodily fluids arising from a sexual service must be placed in clinical waste bins, and
 - (b) clinical waste bins must be appropriate yellow rigid walled containers, with close fitting lids, and a black biohazard symbol, and
 - (c) removal of clinical waste bins by an appropriate contractor.

POLICIES AND PROCEDURES

- 16.1 The licensee must:
- (a) record and keep policies for safety and security systems, operational plans, and their review schedules; and
 - (b) document procedures specific to the day-to-day operations of the brothel, including how the licence conditions and other legal requirements under the Act and the Regulation are met.

COMPLAINTS AND COMMUNICATIONS

- 17.1 The licensee must ensure that all complaints or incidents are recorded in detail and responded to in a timely manner. Records must be made of how the complaint was actioned and resolved.

PURPOSE OF BROTHEL

- 18.1 The licensee must not use the premises referred to in the licence, or make it available for use, whether for payment or otherwise, for any purpose other than as a licensed brothel as defined in Schedule 4 of the Act, without the prior approval of the PLA.

NOT ENTER INTO A CONTRACT

- 19.1 The licensee must not enter into or be a party to any contract, agreement or arrangement, written or unwritten, with any other person to provide anything or to furnish any service in return for any direct or indirect interest in or percentage or share of revenue, profits or earnings from or of the brothel unless the person is also licensed in respect of that brothel.

APPLY FIRST AID AND CPR

- 20.1 The licensee must not personally supervise a brothel without holding a current Apply First Aid Certificate and relevant CPR component.

MAINTENANCE AND CLEANING

- 21.1 The licensee must ensure:
- (a) all surfaces are cleaned to a professional standard;
 - (b) maintenance and repair of interior fixtures and surfaces throughout the brothel, such as walls, ceilings and benches, so they can be readily cleaned.
 - (c) access to sufficient quantities and varieties of cleaning products, including bleach-based disinfectants, gloves and associated products to assist in the immediate cleaning of body fluid incidents within a room;
 - (d) all towelling and bedding is treated by thermal or chemical means to satisfy disinfection practices as identified in the Australian/New Zealand Standard for Laundry Practice AS 4146:2000;
 - (e) all linen and towels that come into contact with clients or sex workers are replaced with clean linen and towels immediately after each service; and
 - (f) where coversheets are used, they must be of sufficient thickness and size to cover and protect the entire bed surface.

DEFINITIONS

acceptable form of identification – An acceptable form of identification is:

- (a) a proof of age card issued to the person by a department prescribed by regulation or an entity of another State or Territory performing similar functions to the department (e.g., 18+ card); or
- (b) a driver licence or permit issued to the person in an Australian State or Territory, which includes a photograph of the person; or
- (c) an Australian or foreign passport issued to the person.

oral sex (refer s. 229E(5) Criminal Code) – The bringing into contact of any part of the genitalia or anus of a person with any part of the mouth of another person.

personal protective equipment (PPE) – includes condoms, dental dams, lubricants and disposable gloves.

room or rooms – A room or rooms used for prostitution.

sexual intercourse (refer s. 229D(1) Criminal Code) – Includes either or both of the following activities:

- (a) the penetration, to any extent, of the vagina, vulva or anus of a person by any part of the body of another person;
- (b) the penetration, to any extent, of the vagina, vulva or anus of a person, carried out by another person using an object.